

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

CIVIL ACTION NO. 04-11934-GAO

NOAH GREENBERG)
Plaintiff)
)
v.)
)
TOWN OF FALMOUTH,)
AND GANNETT)
FLEMING, INC.,)
Defendants)
)
v.)
)
TOWN OF FALMOUTH,)
Third-Party)
Defendant)

**DEFENDANT GANNETT FLEMING'S RULE 26
INITIAL DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1), defendant and third-party plaintiff Gannett Fleming, Inc. ("Gannett") makes the following initial disclosures:

A. Individuals Likely to Have Discoverable Information:

Excluding those individuals who may be used solely for purposes of impeachment, the following individuals may have discoverable information that Gannett may use to support its claims or defenses. Also listed is a general description of the subjects of the information they may possess, as well as the address and telephone numbers for each individual, to the extent known to Gannett. The individuals identified and subjects of information enumerated are "initial," based on information currently available. Individuals with information as well as the subjects of information may broaden or change as discovery occurs. Accordingly, Gannett does not limit itself to these initial disclosures and reserves its right to supplement this response.

#	NAME/ADDRESS	SUBJECT(S) OF INFORMATION
1.	Jeff Alberti Gannett Fleming, Inc. 150 Wood Roadm Suite 400 Braintree, MA 02184 781-380-7750	Project Manager
2.	Architectural Engineers, Inc. 77 Summer Street, 5 th Floor Boston, MA 02110 617-542-0810	Did mechanical, electrical, plumbing, and fire protection plans/drawings between January 2003 and June 2004. The point-person from AEI on this project was Dennis Blais.
3.	Carl N. Campagna Gannett Fleming	
4.	Dwight Silvia D.D.S. Industries, Inc. P.O. Box 494 Somerset, MA 07026 508-678-3698	
5.	Eladio R. Gore Town of Falmouth 59 Town Hall Square Falmouth, MA 02540 Fax: 508-548-4290	Falmouth Building Commissioner
6.	Noah Greenberg Noah Greenberg Associates 22 Beebee Acres Road Falmouth, MA 02540	Plaintiff-architect
7.	James M. Howe, P.D. Howe Engineers, Inc.	Authored 7/1/03 consultant's report to Town.
8.	Bill Lawliss Essex, MA 978-618-7885	Assisted Gannett Fleming in door schedules/hardware, manufacturer's representative
9.	John Lyons Falmouth DPW	Highway Division Superintendent
10.	John Masland Formerly Gannett Fleming	Geotechnical report.
11.	Pete Newsham Formerly Gannett Fleming	Drilled soil borings.
12.	Shardell Newton	Facilities Manager
13.	Donald B. Nicholas, P.E. Gannett Fleming	

#	NAME/ADDRESS	SUBJECT(S) OF INFORMATION
14.	Ron Nielson Town of Falmouth 508-457-2543	Highway Supervisor
15.	William B. Owen Falmouth DPW	Director. Signed 4/1/03 letter.
16.	Brian Dale Falmouth Parks Dept.	
17.	Eddie Valeriani Falmouth Parks Dept.	Mechanic
18.	James Parkes Gannett Fleming	Geotechnical report.
19.	Richard Patterson	Electrician
20.	Joe Remonid Architectural Engineers, Inc.	Mechanical Engineer, HVAC
21.	Robert Charles Group	Falmouth contracted with RCG in 1994
22.	Paul D. Smith Gannett Fleming	Structural Engineer
23.	Paul W. Smith Gannett Fleming	Septic system testing
24.	Don Swire	Assistant Super.
25.	Richard DeCoste Michael Perpall Woodbrier Associates, Inc. 12 Woodbrier Road West Roxbury, MA 02132 Fax: 617-327-7089	

B. Documents, Data Compilations, and Tangible Things:

Excluding those documents, data compilations, and tangible things that may be used solely for purposes of impeachment, the following categories of such items, are in the possession, custody, or control of Gannett:

- Correspondence between the parties to this action.
- Documents related to the Falmouth DPW project.
- Documents related to any and all agreements between the parties.

Gannett provides this disclosure without waiving any privilege, including, but not limited to, any attorney-client privilege or work product privilege. The documents constituting Gannett's production are located at the offices of Gannett's counsel. Gannett's counsel is producing copies to counsel for the two other parties (plaintiff and the Town). Gannett reserves the right to supplement this response.

C. Computation of Damages:

Gannett is one of the defendants in this action, such that it does not bear the burden of showing damages initially. However, Gannett is also a third-party plaintiff, in its cross-claim against the other defendant, the Town of Falmouth. Gannett has made contribution and indemnification claims against the Town, such that Gannett's damages will be determined by the damages that will be determined in the lawsuit against the defendants (if any), for which damages (if any) Gannett expects to be held harmless, by its indemnitor, the Town of Falmouth.

D. Insurance Information:

Gannett is being defended in this case under its liability policy No. DPR9403072, issued by XL Environmental [Claim No. 12-XLDP-10653-MSE]. A copy of the XL policy will be made available upon request.

DEFENDANT, GANNETT FLEMING, INC.,
By Its Attorneys,
MICHENZIE & SAWIN LLC

Dated: 7/1/05

BY:

John C. Barker
Paul Michienzie – BBO#548701
John C. Barker – BBO#637406
745 Boylston Street, 5th Floor
Boston, MA 02116
Tel: (617) 227-5660

CERTIFICATE OF SERVICE

I, John C. Barker, attorney for defendant, hereby certify that I have on this 1st day of July 2005, served a copy of the foregoing Rule 26 Disclosure Statement, by mailing a copy of same, postage prepaid, to attorney for plaintiff, Richard M. Russell, Esq., Heritage Place Condominium, 205 Worcester Court, Unit B2, Falmouth, MA 02540 and Daniel G. Skrip, Esq., Pierce, Davis & Perritano, LLP, Ten Winthrop Square, Boston 02110-1257.

John C. Barker
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